<center># REMARKS</center>

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, the invention as claimed can load a user interface (UI) from a source remote to the local network and load a basic operative UI when the device is unknown. Further amendments were made to correct instances of improper antecedents and to clarify the language. No new matter has been added as a result of these amendments.

Rejections

Rejections under 35 U.S.C. § 102(e)
Claims 1, 3-11, 13-25, 27-29 and 31-38

Claims 1, 3-11, 13-25, 27-29 and 31-38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Humpleman et. al., U.S. Patent No. 6,603,488. Applicant does not admit that Humpleman is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that Applicant's invention as claimed in claims 1, 3-11, 13-25, 27-29 and 31-38 is not anticipated by Humpleman.

Humpleman discloses a system for controlling a set of audio-visual devices connected to a home network through a single controller, such as a TV. The controller loads user interfaces (UIs) from each connected device and presents the UIs on the controller's display. Because the controller loads the UIs from the devices, the controller does not need to know any specific details of the particular device. The user manipulates the devices by operating the UIs through the controller. In particular, the controller assists the user by activating only the relevant UIs for the user's intended operation. In this case, the UIs of the irrelevant devices are non-responsive (i.e. grayed out) (Humpleman Col. 16, 35-44; Col. 17, 32-37).

Applicant respectfully submits that Humpleman does not teach or suggest each and every limitation of Applicant's invention as claimed.

Applicant claims in claims 1 and 29 loading a UI from a source that is remote from the local network. Humpleman's controller loads UIs from devices that are connected to the local network whereas Applicant's controller can load UIs from sources outside the local network. The Examiner states that Humpleman teaches the source for loading UIs can be from the World Wide Web (Col. 5, lines 48-65). However, this cited section discloses that a home network can be constructed from a 1394 serial bus, Ethernet, ATM or wireless network. There is no disclosure in this section that teaches or suggests loading a UI from a non-local source. Therefore, Humpleman does not teach or suggest the claimed element of loading a UI from a source remote from the local network.

In addition, the Examiner equates Humpleman's non-responsive UI with Applicant's claimed basic operative UI as claimed in claims 11 and 19. Humpleman's non-responsive UI results from a disabled device UI. Typically, this is because the UI is unnecessary for the user's intended operation (e.g. disabling a CD player UI when user wants to watch TV). In contrast, Applicant's claimed basic operative UI is used when the user wants to control a device that is unknown to the controller. When a device is unknown, but the device type is known, Applicant's controller loads a basic operative UI containing generic functions so the unknown device can be used. An example is loading a generic VCR UI containing functions for "PLAY", "REWIND" and "FAST FORWARD". Fundamentally, Humpleman's non-responsive UI disables use of a particular device, whereas Applicant's basic operative UI enables use of the device. Thus, the Examiner cannot properly equate Applicant's basic operative UI with Humpleman's non-responsive UI.

Because Humpleman does not teach each and every claim limitation, Humpleman cannot be properly interpreted as anticipating Applicant's invention as claimed in claims 1, 11, 19 and 29 and the claims that depend on them.

Accordingly, Applicant respectfully submits that the invention as claimed in claims 1, 3-11, 13-25, 27-29 and 31-38 is not anticipated by Humpleman under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

Rejections under 35 U.S.C. § 103

Claims 2, 12, 26 and 30

Claims 2, 12, 26 and 30 stand rejected under 35 U.S.C. § 103(a) as being obvious over Humpleman in view of Ramachandran et. al, US Patent No. 6,631,351. Ramachandran qualifies as prior art only under 35 U.S.C. § 102(e) based on its issue date of October 7, 2003. Applicant does not admit that Ramachandran is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 2, 12, 26 and 30.

Ramachandran discloses toys that interact to present the appearance of the toys conversing. The toys send and receive messages to other compatible toys through wireless communication. Based on the messages received, the toy generates speech to simulate the toy speaking to other compatible toys.

Applicant respectfully submits that the combination of Humpleman and Ramachandran does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed. Claims 2, 12, 26 and 30 depend from independent claims 1, 11, 19 and 26. Because Humpleman does not teach or suggest each and every limitation of claims 1, 11, 19 and 26, Ramachandran must disclose at the least the missing elements from the independent claims in order to have a proper *prima facie* case for the dependent claims.

However, Ramachandran does not disclose loading a UI as claimed because Ramachandran does not disclose a user interface at all. The toys operate without a user interface and "converse" automatically. Because Ramachandran does not teach or suggest a user interface, Ramachandran cannot teach the specific elements of Applicant's UI that is loaded from a remote source or loading a basic operative UI as claimed in claims 1, 11, 19 and 29.

As neither Humpleman nor Ramachandran teach a user interface or loading of a user interface as claimed in claims 1, 11, 19 and 29, the combination cannot be properly interpreted to disclose the claimed elements.

Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 1, 11, 19 and 29, and the claims depending from them (2, 12, 26 and

30). Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

SUMMARY

Claims 1-38 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-3455.
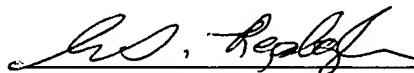
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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